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February 21, 2024

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
40 Foley Square
New York, NY 10007

In re: *United States v. Torres* 15-CR-877 (on behalf of Jesse Rivera)

Dear Judge Engelmayer:

This request is submitted on behalf of Mr. Jesse Rivera. The court set a briefing schedule regarding Mr. Rivera's eligibility for a sentence reduction under the Sentencing Guidelines Amendment 821, with my motion to be filed February 29, 2024. I do intend to file a motion on his behalf for a sentence reduction; however, I am not prepared to do so at this time. Mr. Rivera is entitled to a sentence reduction under the new guideline amendments; however, the Court considers other factors under 18 U.S.C. § 3553(a) in exercising its discretion whether to grant a sentence reduction. *See Dillon v. United States*, 560 U.S. 817, 826 (2010). I would like a fuller opportunity to investigate and present such factors for the Court's consideration.

Mr. Rivera has also just been transferred to a new facility in California, and I would like to wait a period of time for the Court to consider his adjustment in that facility before filing a motion for a reduction of his sentence. Additionally, I have heard reports from other clients and attorneys about the dire conditions at the facilities where Mr. Rivera was housed previously, and would like an opportunity to investigate the conditions at the facilities.

I have spoken with Mr. Rivera who consents to waiting before a motion is filed. There is no time limit within which a motion must be made, as long as it is before his release. Mr. Rivera's release date is June 7, 2036, so there is ample time to file this motion. I request that the Court vacate the briefing schedule, without prejudice, with leave to file the motion later this year.

Thank you for your consideration of this request.

GRANTED. The Court will substantially extend the deadline for Mr. Rivera to file for relief pursuant to Amendment 821. The Court is setting a new deadline, rather than deferring the deadline indefinitely, to assure that this matter is attended to with reasonable dispatch. The deadline for the defense's filing is now June 10, 2024. The Government's response is due June 24, 2024. The Clerk of Court is requested to terminate the motion at Dkt. No. 341. SO ORDERED.

Respectfully submitted,

Susan K. Marcus, Esq.
Attorney for Jesse Rivera

2/21/2024

PAUL A. ENGELMAYER
United States District Judge